

WARRICK COUNTY COMMISSIONERS ORDINANCE # 2018-029PLAN COMMISSIONER DOCKET # PC-R-18-15

2018R-009257

PAT BROOKS

WARRICK COUNTY RECORDER

AN ORDINANCE TO AMEND THE WARRICK COUNTY, INDIANA COMPREHENSIVE ZONING ORDINANCE BY REZONING CERTAIN REAL ESTATE IN WARRICK COUNTY, INDIANA

RECORDED AS PRESENTED 0

11/15/2018 12:36 PM

REC FEE: 0.00

PAGES: 3

**BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF WARRICK  
COUNTY, INDIANA:**

Section 1. That the Warrick County, Indiana Comprehensive Zoning Ordinance and the Warrick County Zoning District Maps dated February 1, 2005, and made a part of said Ordinance, be and the same are hereby amended as follows:

That the boundaries of the "A" Agricultural Zoning District as shown on said Warrick County Zoning District Maps, be amended as to the following described real estate:

A part of the Southwest Quarter of Section 14, Township 6 South, Range 9 West, bounded as follows: Beginning at an iron pin in the center of State Road 261, at a point 98.7 feet West of the Southeast corner of said Quarter Quarter Section; and running thence West 221.3 feet; thence North 492.2 feet; thence East 320 feet to the East line of said Quarter Quarter section line to the center of said State Road 261, thence in a southwesterly direction along a center line of said road to the place of beginning.

Except the property sold to the State of Indiana under DOC#2009R-001942, 2002R-017058 in the Warrick Co. records office, 3.056 acres after exceptions DOC#1996R-000831.

which real estate is now zoned and classified as part of the A (Agricultural) District, as shown on the aforesaid Warrick County Zoning District Maps, so that said above described real estate shall be and the same is hereby rezoned and reclassified from said A (Agricultural) District to said C-1 (Neighborhood Commercial) District.

Section 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is attached hereto and incorporated herein and no improvement location permits shall be issued until the petitioner records said use and development commitment in the office of the Recorder of Warrick County, Indiana.

Dan Sayler  
President

Robert H. Jones  
Member

Mark Wersheit  
Member

BOARD OF COMMISSIONERS  
WARRICK COUNTY, INDIANA

ATTEST:

Deborah K. Stevens  
County Auditor  
11/13/18  
Date Approved

I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.

[Signature]  
Signature

James E. Gentry Jr.  
Printed Name

This document prepared by [Signature]

X Ref# 2012R-011893

## USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, Betty O. Smith (1/3) & the Roger B. Smith Trust f/b/o Clifton A. Smith, Clifton A. Smith, Trustee, Petitioner, are the owner of certain real estate situated in the County of Warrick, Indiana, commonly described as 7288 Oak Grove Road, Newburgh, Indiana 47630, which real estate is more particularly described as follows, to wit:

A part of the Southwest Quarter of Section 14, Township 6 South, Range 9 West, bounded as follows: Beginning at an iron pin in the center of State Road 261, at a point 98.7 feet West of the Southeast corner of said Quarter Quarter Section; and running thence West 221.3 feet; thence North 492.2 feet; thence East 320 feet to the East line of said Quarter Quarter section line to the center of said State Road 261, thence in a southwesterly direction along a center line of said road to the place of beginning.

Except the property sold to the State of Indiana under DOC#2009R-001942, 2002R-017058 in the Warrick Co. records office, 3.056 acres after exceptions DOC#1996R-000831.

WHEREAS, as the real estate is currently classified as a A (Agricultural) Zoning district under the Warrick County Zoning Code and is so indicated on the zoning maps maintained by the staff of the Warrick County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-1 (Neighborhood Commercial); and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to exclude the following uses:
  - Broadcasting offices and studios;
  - Commercial Child Care Centers;
  - Clothing service uses including dry cleaner and laundry receiving station, Laundromats, dress making, milliner, tailoring and shoe repair shops.
  - Residential uses permitted in Districts R-1, R-1A, R-1B, R-1C, R-1D, R-2, R-2A and R-2B.
2. Use of the Real Estate shall be limited to the following development requirements:
  - None.
3. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Warrick County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 14 day of September, 20 18 by Betty O. Smith for the purpose set forth herein.

Betty O. Smith  
Signature

STATE OF INDIANA )  
 ) SS:  
COUNTY OF WARRICK )

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named Betty O. Smith who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 14 day of September, 20 18.

NOTARY PUBLIC

(Signed) Karen A. Hendrickson

(Printed) Karen A Hendrickson

A resident of Warrick County, Indiana.

My commission expires: 2/13/21



IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 14 day of September, 20 18 by Clifton A. Smith, Trustee of the Roger B. Smith Trust f/b/o Clifton A. Smith for the purpose set forth herein.

Clifton A. Smith Trustee  
Signature

STATE OF INDIANA )  
 ) SS:  
COUNTY OF WARRICK )

Before me, the undersigned, a Notary Public and for said County and State, personally appeared the within named Clifton A. Smith who acknowledged the execution of the foregoing Use and Development commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 14 day of September, 20 18.

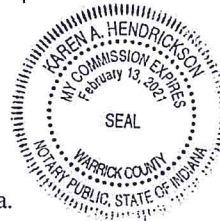
NOTARY PUBLIC

(Signed) Karen A. Hendrickson

(Printed) Karen A Hendrickson

A resident of Warrick County, Indiana.

My commission expires: 2/13/21



This instrument prepared by: (Name) James F. Gault, Jr.

(Address) 125 N. Weinbach Ave, STE 410, Evansville, IN 47711

(Phone) 812-422-6213